

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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KELLEE MITCHELL, *individually, and on behalf of*
others similarly situated,

Plaintiff,

-v-

SIRIUS XM RADIO, INC.,

Defendant.
-----X

23-cv-6092 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff Kellee Mitchell has filed a notice of voluntary dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Under *Samake v. Thunder Lube, Inc.*, 24 F.4th 804, 809–811 (2d Cir. 2022), the Court retains jurisdiction over this action for the limited purpose of determining whether a settlement of the Fair Labor Standard Act claim exists and, if so, its fairness. Accordingly, the parties are directed to submit a joint letter on or before August 25, 2023 indicating whether such a settlement exists and thus whether a hearing pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) is required.

SO ORDERED.

Dated: August 22, 2023
New York, New York



LEWIS J. LIMAN
United States District Judge